

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: EPHEDRA PRODUCTS LIABILITY LITIGATION	:	04 M.D. 1598 (JSR)
	:	
		X
PERTAINS TO ALL CASES	:	
	:	
		X

**NOTICE OF FILING OF THE JOINT APPLICATION OF THE  
METABOLIFE CRF REFEREE AND CRF APPEAL REFEREE FOR  
REIMBURSEMENT OF FEES AND EXPENSES FROM THE MDL EXPENSE FUND**

Professor Eric Green of Resolutions, LLC, the Metabolife Claims Resolution Facility Referee (the “Metabolife CRF Referee”) and Justice John K. Trotter (Retired) of JAMS, the Metabolife CRF Appeal Referee (the “Metabolife CRF Appeal Referee,” and together with the Metabolife CRF Referee, the “CRF Referees”) appointed pursuant to the Metabolife Personal Injury Claimants Resolution Facility (the “Metabolife CRF”), which was an exhibit to and a crucial component of the MII Mediation Trust Agreement (the “Metabolife Mediation Trust Agreement”), hereby provides notice to the Court and all counsel of the filing of its motion for an order pursuant to Section 5.01 of the Metabolife Mediation Trust Agreement approving their joint application for reimbursement of fees and expenses from the MDL Expense Fund (the “Fee Application”).

Section 5.01(b) of the Metabolife Mediation Trust Agreement provides that the fees and expenses incurred by the CRF Referees shall be paid from the MDL Expense Fund upon approval from the MDL Court.

For the reasons set forth in the Memorandum filed simultaneously herewith, the CRF Referees respectfully request that the Court enter an Order (i) approving the Fee Application, (ii)

approving the payment out of the MDL Expense Fund to the Metabolife CRF Referee in the aggregate amount of \$34,919.37, (iii) approving the payment out of the MDL Expense Fund to the Metabolife CRF Appeal Referee in the aggregate amount of \$90,000 and (iv) granting such other relief as the Court deems appropriate.

Dated: March 17, 2008

Respectfully submitted,

By:/s/Eric D. Green

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By:/s/John K. Trotter

The Honorable John K. Trotter (Retired)  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was served electronically via the Court's electronic filing system on the 17th day of March, 2008 upon all counsel of record.

By:/s/Steven B. Smith

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Steven B. Smith  
BROWN RUDNICK BERLACK ISRALES LLP

cc: The Honorable Jed S. Rakoff  
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